

REMARKS/ARGUMENTS

Status of the claims

Claims 35, 44, 48, 54-56, and 60, and 62-68 are pending. Claims 1-34, 36-43, 46, 47, 57, 58, and 61-69 are canceled. Claim 35 stands withdrawn and is now the subject of a request for rejoinder. Claims 35, 44, 54, and 60 are amended. Support for claim 35 in particular is found, *e.g.*, on page 44, lines 10-24 of the specification as filed. No new matter is added.

Request for rejoinder of claim 35

As explained on page 13 of the Requirement for Restriction (October 30, 2008), if claims directed to a product are elected, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered fro rejoinder.

Applicants respectfully request rejoinder of claim 35, a method of treating or preventing non-small cell lung cancer (NSCLC) that depends on the composition claim of either claim 44 or claim 60.

Objection to the specification

The Examiner has objected to the alleged presence of hyperlinks and/ or browser executable code in the specification. The http addresses for the websites described in the specification are removed, as indicated in the amended paragraphs herein. Applicants respectfully request withdrawal of the objection.

Rejections under 35 USC § 112, first paragraph – Written description

The Examiner has rejected claims 46, 47, 54-56, and 69 as allegedly lacking enablement. According to the Examiner, the specification does not sufficiently describe a target sequence comprising SEQ ID NO:34, wherein said target sequence is from 19 to 25 contiguous nucleotides from SEQ ID NO:1.

Solely in an effort to expedite prosecution, claims 46, 47, and 69 are canceled. Claim 54, from which claims 55 and 56 depend, is amended to specify that the vector comprises a molecule as recited in claim 44 or 48.

In view of the amendments to the claims, Applicants respectfully request withdrawal of the rejection under the first paragraph of 35 USC § 112 for written description.

Rejections under 35 USC § 103

The Examiner has rejected claims 44, 46, 48, 54-56, 60, and 69 as allegedly obvious over Wood (US Patent No. 6,414,121) in view of Tuschi (The siRNA user guide) and Khvorova (US Appl. No. 20070031844). According to the Examiner, Wood teaches antisense molecules targeting kinesin KSP, and a sequence comprising SEQ ID NO:34. The Examiner alleges that it would be obvious to utilize a dsRNA molecule to target kinesin KSP, as Tuschi and Khvorova teach methods of producing dsRNA inhibitory molecules.

Solely in an effort to expedite prosecution, claims 44 and 60 are amended to specify that the target sequence consists of SEQ ID NO:34. Applicants note that claim 47, which is now incorporated into the independent claims, was not included in the rejection.

SEQ ID NO:34 is 19 nucleic acids in length, while the sequence disclosed in Wood is a 1728 base nucleotide that encodes a large, functional fragment of kinesin KSP. Wood does not disclose particular antisense target sequences, or suggest the sequence of SEQ ID NO:34 as an antisense target sequence.

In view of the foregoing comments and amendments to the claims, Applicants respectfully request withdrawal of the rejection under 35 USC § 103.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/593,842
Amdt. dated October 23, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1645

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Carol P. Johns
Reg. No. 50,463

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
CPJ:cpj
62272808 v1